

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

THRIVENT FINANCIAL FOR  
LUTHERANS and THRIVENT  
INVESTMENT MANAGEMENT, INC.,

Plaintiffs,

vs.

MICHAEL C. HUTCHINSON,

Defendant.

Case No. 8:12CV380

APPROVED  
STIPULATION AND  
CONSENT ORDER

The parties, Thrivent Financial for Lutherans and Thrivent Investment Management, Inc. (collectively, "Thrivent"), and Michael C. Hutchinson, stipulate, agree, and jointly move that the Court Order as follows:

1. On November 6, 2012, this Court issued an Order granting Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction in part ("Order").

2. Pursuant to the Financial Industry Regulatory Authority ("FINRA") Rules, an expedited hearing is set to commence within fifteen days of the entry of the Order (i.e., by November 21, 2012).

3. Plaintiff Thrivent Investment Management, Inc. has amended its Statement of Claim before FINRA to add Plaintiff Thrivent Financial for Lutherans as a co-Claimant. As a result, all parties to the above-captioned matter have been named as parties to the FINRA arbitration.

4. The parties have conferred and hereby request that this Court amend its Order in a manner that will make an expedited hearing before FINRA on Thrivent's request for preliminary injunctive relief pending the final FINRA

hearing unnecessary. What follows are four requested amendments:

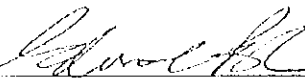
- a. On page 19 of the Order, the parties request that the first sentence of the "Conclusion" be amended to state as follows:  
"Based on an analysis of the *Dataphase* factors, the Court finds that a TRO is necessary to preserve the status quo, at least pending either (a) further order by this Court; or (b) the resolution of the matter at the final evidentiary FINRA hearing on Thrivent's request for, among other things, permanent injunctive relief."
- b. On page 19 of the Order, the parties request that paragraph number 1 be amended to add a subsection (c) which states,  
"Nothing in this Order shall be construed to prohibit Hutchinson from advertising products or services to the general public at large, but Hutchinson cannot target such advertising to his former Thrivent clients, such as by name or by or through any Lutheran group or other Lutheran organization; provided, however, that Hutchinson may purchase a promotional table at the annual fundraiser for Heartland Lutheran High School."
- c. On page 19 of the Order, the parties request that paragraph number 2 be amended to state: "This action is stayed pending the final evidentiary hearing to be held before FINRA regarding Thrivent's request for relief, which includes permanent injunctive relief."

d. On page 20 of the Order, the parties request that paragraph number 3 be amended to state: "The parties shall notify the Court of the results of the FINRA hearing to be held on Thrivent's request for permanent injunctive relief, or of any other earlier disposition that terminates the FINRA proceedings, such as settlement."

5. The parties do not seek any other amendment to the Order not identified herein, and the Order should otherwise remain unchanged.

Dated this 14th day of November, 2012.

THRIVENT FINANCIAL FOR  
LUTHERANS and THRIVENT  
INVESTMENT MANAGEMENT,  
INC., Plaintiffs

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MICHAEL C. HUTCHINSON,  
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Dated: November 15, 2012

**SO ORDERED**

By: Laurie Smith Camp  
Laurie Smith Camp  
Chief United States District Judge

**CERTIFICATE OF SERVICE**

I, Cathy Trent Vilim, hereby certify that on this 14th day of November, 2012, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system, which sent notification of such filing to the following:

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